

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

COSTCO WHOLESALE
CORPORATION, a Washington
corporation,
Plaintiff,
v.
ARROWOOD INDEMNITY
COMPANY, a North Carolina company,
Defendant.

NO. 2:17-cv-01212-SAB

****AMENDED** JURY TRIAL
SCHEDULING ORDER**

**JURY TRIAL SCHEDULED FOR
JUNE 7, 2021**

A telephonic scheduling conference was held in this matter on July 28, 2020. Paul Lawrence and Nicholas Brown appeared on behalf of Plaintiff. Alexander Potente and Curtis Parvin appeared on behalf of Defendant. Due to the ongoing COVID-19 pandemic and related Court closures, counsel and the Court discussed moving the trial date in this matter. During the conference, the Court directed counsel to provide the Court with a list of potential new trial dates in 2021. Having received these dates, the Court is fully informed and orders the following schedule for trial and outstanding pretrial deadlines in this matter.

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****AMENDED** JURY TRIAL SCHEDULING ORDER * 1**

1 Accordingly, **IT IS ORDERED:**

2 **PROFESSIONALISM AND COURT-ASSISTED MEDIATION**

3 **1. Civility and Professional Conduct.** Counsel should review and employ Local
4 Rule 83.1 (Civility) and Washington Rule of Professional Conduct 3.4 (Fairness to
5 Opposing Party and Counsel).

6 **2. Scheduling Order is Binding.** Rule 16(f) of the Federal Rules of Civil
7 Procedure provides for sanctions for failure to obey the Scheduling Order. The
8 Court will usually accept stipulations to modify the dates specified in this Order,
9 but modifications of pretrial deadlines may also result in a modification of the trial
10 date.

11 **3. Settlement Conference/Mediation.** The parties are encouraged to engage in
12 settlement negotiations as early as possible and should contact the Court if they
13 believe a settlement conference would be helpful.

14 **TRIAL DATES**

15 **4. Jury Trial.** The jury trial shall commence on **June 7, 2021**, at **9:00 a.m.** in
16 **SEATTLE**, Washington. The trial is estimated to last seven days.

17 **5. Pretrial Conference.** A telephonic pretrial conference will be held on **May 18,**
18 **2021**, at **1:30 p.m.** Parties shall join the pretrial conference by dialing the Court's
19 conference line at 1-888-204-5984, access code 6790153.

20 **MOTION DEADLINES**

21 **6. Motions *in Limine*.**

22 A. *Motions* in Limine: shall be filed and served on or before **April 26, 2021.**

23 B. *Responses*: shall be filed and served on or before **May 3, 2021.**

24 C. *Replies*: shall be filed and served on or before **May 10, 2021.**

25 D. *Notation*: Motions *in limine* shall be noted for hearing at the pretrial
26 conference.

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TRIAL PREPARATION DEADLINES

7. Exhibit and Witness Lists.

A. Exhibit Lists and Witness Lists: shall be filed and served and exhibits made available for inspection (or copies provided), on or before **May 3, 2021**.

B. Identification: The witness list shall include identification of each witness's testimony.

C. Notation of Exhibits: Where feasible, all exhibits identified in depositions shall be pre-marked with the exhibit numbers that will be used at trial. Plaintiff's trial exhibits are to be numbered 1 through 199; Defendant's exhibits are to be numbered 200 and following.

D. Objections: Objections to the opposing party's witness list or exhibit list and any accompanying briefs shall be filed and served on or before **May 10, 2021**.

E. Responses: Responses, if any, to objections shall be filed and served on or before **May 17, 2021**.

8. Pretrial Exhibit Stipulation.

A. Stipulation: The parties shall prepare a pretrial exhibit stipulation that shall contain each party's numbered list of all trial exhibits with the opposing party's objections to each exhibit, including the basis of the objection and the offering party's brief response. All exhibits to which there is no objection shall be deemed admitted, subject to any objections at trial that could not be raised in advance.

B. Deadline: The pretrial exhibit stipulation shall be filed on **May 10, 2021**.

C. Objections to witness and exhibits shall be heard at the pretrial conference.

9. Designation of Testimony.

The parties shall notify the Court on or before **April 26, 2021** whether deposition testimony will be used at trial. The Court will then schedule a hearing to

1 review all designated testimony and objections so that a final edited version of the
2 deposition testimony can be prepared for trial.

3 **10. Pretrial Order.**

4 A. *Deadline*: A joint Pretrial Order, prepared in accordance with the format
5 provided in Local Rule 16.1(b), shall be filed on or before **May 17, 2021** and a
6 copy e-mailed in Word format to the Court at bastianorders@waed.uscourts.gov.

7 B. *Consistency*: The list of exhibits contained in the joint Pretrial Order shall
8 reflect the exhibit marking scheme described above in paragraph 10(A).

9 C. *Duplicative Exhibits*: In preparing the joint Pretrial Order, the parties
10 shall confer regarding duplicate exhibits and determine which party will submit
11 such exhibits for trial.

12 **11. Trial Briefs and Proposed Voir Dire.** Trial briefs and voir dire shall be filed
13 by **May 13, 2021**.

14 **12. Jury Instructions.** No later than **May 13, 2021**, the parties shall file jointly
15 proposed jury instructions.

16 A. *Confer*. The parties shall confer regarding jury instructions and file
17 jointly proposed jury instructions and a table of proposed Jury Instructions. The
18 jointly proposed Jury Instructions should address only issues that are unique to this
19 case and shall include instructions regarding the elements of each claim, any
20 necessary definitions, and a proposed verdict form.

21 B. *Modifications*. If any proposed instruction is a modified version of model
22 instructions or deviate from model instructions, the parties shall identify the
23 modification and cite legal authority for the modification.

24 **13. Submissions on the First Day of Trial.** The Court requires that the following
25 be submitted to the courtroom deputy clerk on the first day of trial:

26 A. *Exhibits*. Exhibits for presentation at the trial in tabbed binders indexed
27 by exhibit number with exhibit tags placed consistently on the bottom right corner
28 of each exhibit. Counsel shall submit to the Court an original binder and two

1 copied binders of their exhibits together with three discs or flash drives containing
2 the same.

3 B. *Exhibit List*. One copy of a final joint exhibit list.

4 C. *Witness List*. One copy of witness lists in the order in which the witnesses
5 are expected to be called to testify.

6 **MODIFICATIONS**

7 **14. Good Cause.** Pursuant to Rule 16 of the Federal Rules of Civil Procedure, this
8 schedule shall not be modified unless the Court finds good cause to grant leave for
9 modifications.

10 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter
11 this Order and to provide copies to counsel.

12 **DATED** this 11th day of August 2020.

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17 Stanley A. Bastian
18 United States District Judge
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